

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendments. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE". No new matter has been added. Reconsideration of the pending claims is respectfully requested.

Objections to the Specification

The specification has been amended to claim priority under 35 U.S.C. 371 of international publication WO 99/26648 as suggested. Additionally, an abstract of the disclosure has been submitted in compliance with 37 C.F.R. 1.72(b).

The 35 U.S.C. §112 second paragraph rejections

Claims 4-7 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

In claim 4, the phrase "characterized" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Applicants have amended

claim 4 to clarify that the pathophysiological state in an animal is one in which increased production of ceramide from sphingomyelin causes endothelial apoptosis in the animal. Thus, the claim as amended can not be interpreted to mean endothelial apoptosis that results from increased ceramide production is a part of the treatment of the pathophysiological state.

Accordingly, in view of the claim amendment presented *supra*, Applicants respectfully request that the rejection of claims 4-7 under 35 U.S.C. §112, second paragraph be withdrawn.

Applicants submit that claims 1-7 and 10 are in condition for allowance. Accordingly, Applicants request that claims 1-7 and 10 be passed to issuance.

This is intended to be a complete response to the Office Action mailed November 6, 2001. If any issues remain outstanding, the Examiner is requested to telephone the undersigned attorney of record for immediate resolution. Applicants further believe that no fees are due, however, should this be in error, please debit Deposit

Account No. 07-1185 on which the undersigned attorney is allowed to draw.

Respectfully submitted,

Date: \_\_\_\_\_

*Nov 21, 2001*



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please amend claim 4 as follows:

4 (twice-amended). A method of treating a pathophysiological state in an animal, ~~characterized by~~ wherein in said pathophysiological state endothelial apoptosis resulting from an increased increase in generation of ceramide from sphingomyelin induces endothelial apoptosis in said animal, comprising the step of administration administering of a pharmacologically effective dose of a basic fibroblast growth factor to said animal.

**IN THE SPECIFICATION:**

On page 1, below the title, please insert the following:

**Cross Reference to Related Applications**

This Application is 371 of WO 99/26648.

**IN THE ABSTRACT:**

Please insert the Abstract enclosed herewith after page 37 of the specification and prior to the claims.